

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2241.05
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	March 28, 2005
DATE OF REPORT:	April 27, 2005
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 25, 2005

**COMPLAINT ISSUES:**

Whether Gary Community School Corporation violated:

511 IAC 7-27-7(b)(3) by failing to ensure that the teacher of record (TOR) fulfills the responsibilities identified in 511 IAC 7-17-72, specifically by failing to ensure that the individualized education program (IEP) is accessible to each of the student's teachers who is responsible for implementing the IEP.

511 IAC 7-27-4(a)(2) by failing to convene the student's case conference committee (CCC) within 12 months of the preceding CCC meeting to determine whether the annual goals for the student are being achieved;

511 IAC 7-25-6 by failing to conduct a reevaluation of the student after 36 calendar months have elapsed since the last reevaluation;

511 IAC 7-27-5(c) by failing to provide the parent with a copy of the written report of the CCC meeting within 10 business days after the date of the CCC meeting; and

511 IAC 7-27-7(a) by failing to implement the student's IEP as written (IEP dated November 25, 2003), specifically by failing to provide an extra set of textbooks for the student to keep at home.

**FINDINGS OF FACT:**

1. The Student has been identified as having a learning disability and an orthopedic impairment, and has been determined eligible for special education and related services.
2. In a note received by the teachers on February 11, 2005, the TOR informed them of the Student's accommodations and stated that they could contact her if they had "any concerns or any problems." The School has not provided documentation showing that the Teacher of Record (TOR) ensured the accessibility of the IEP before February 11, 2005.
3. An IEP was developed and approved at the CCC meeting on November 25, 2003. The next CCC meeting was held on February 10, 2005, when another IEP was developed.
4. An evaluation of the Student was completed by the School Psychologist on August 29, 2001. The IEP of November 23, 2003, states that a reevaluation was due by August 27, 2004.

5. On February 7, 2005, the Complainant gave permission for an evaluation to be conducted, and was informed that a CCC meeting would be held no later than 60 instructional days after the date of signing. The last day of the 60 instructional days will be on May 10, 2005.
6. The Student was tested by the School Psychologist on April 11, 2005, and a Psychological Report was completed on April 21, 2005. The CCC has not yet met to review the report.
7. The Complainant alleges that a copy of the written report of the February 10, 2005, CCC meeting was mailed to her on March 11, 2005. The School has not provided documentation to show that a copy of the written report was mailed within 10 business days of the meeting.
8. The School has not provided documentation that an extra set of textbooks was provided to the Student for each of the Student's classes during the 2004-2005 school year.

### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that the School failed to document that the TOR made the IEP accessible to the Student's teachers before February 11, 2005. Therefore, a violation of 511 IAC 7-27-7(b)(3) is found.
2. Finding of Fact #3 indicates that the School failed to convene the Student's CCC within 12 months of the preceding CCC meeting to determine whether the annual goals for the Student were being met. Therefore, a violation of 511 IAC 7-27-4(a)(2) is found.
3. Finding of Fact #4 indicates that the School failed to conduct a reevaluation of the Student after 36 calendar months elapsed since the last reevaluation. Findings of Fact #5 and #6 indicate that the testing has been completed but the CCC still must convene by May 10, 2005, to review the Psychological Report. Therefore, a violation of 511 IAC 7-25-6 is found.
4. Finding of Fact #7 indicates that the School failed to document that it provided the parent with a copy of the written report of the February 10, 2005, CCC meeting within 10 business days of the date of the meeting. Therefore, a violation of 511 IAC 7-27-5(c) is found.
5. Finding of Fact #8 indicates that the School failed to document the delivery of an extra set of books to the Student for each of his classes, as required by the most recently approved IEP. Therefore, a violation of 511 IAC 7-27-7(a) is found.

**The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.**

### **CORRECTIVE ACTION:**

Gary Community School Corporation shall:

1. Convene the CCC by May 10, 2005, to review and discuss the reevaluation of the Student. Develop and agree on a new IEP. If agreement cannot be reached, the School shall immediately file for a due process hearing to resolve the matter.

Documentation of compliance (consisting of the agreed-upon IEP and CCC notes or a letter requesting a due process hearing) shall be submitted to the Division by June 10, 2005.

2. Provide information, by way of a written memorandum or in-service training, to all teachers who serve as TOR's of their responsibilities under 511 IAC 7-27-7(b), including the responsibilities identified in 511 IAC 7-17-72.

Documentation of compliance (consisting of memorandum and list of people receiving it or agenda from in-service training and signatures of participants) shall be submitted to the Division by June 10, 2005.

3. Provide information, by way of a written memorandum or in-service training, to all individuals who serve on case conference committees of the requirement to have a reevaluation conducted every 36 calendar months.

Documentation of compliance (consisting of memorandum and list of people receiving it or agenda from in-service training and signatures of participants) shall be submitted to the Division by June 10, 2005.

4. Send an assurance statement ensuring that the School will convene a student's CCC at least every 12 months and provide a written report of the CCC meeting to the parent within 10 days of the meeting.

Documentation of compliance (consisting of the assurance statement) shall be submitted to the Division by June 10, 2005.

5. Develop and implement a plan to document the implementation of student accommodations.

Documentation of compliance (consisting of a written plan and a two-week record of implementation) shall be submitted to the Division by June 10, 2005.